

APPEAL, CLOSED, TYPE I-FOIA

**U.S. District Court  
District of Columbia (Washington, DC)  
CIVIL DOCKET FOR CASE #: 1:11-cv-00890-JEB**

JUDICIAL WATCH, INC. v. U.S. DEPARTMENT OF  
DEFENSE

Assigned to: Judge James E. Boasberg  
Cause: 05:552 Freedom of Information Act

Date Filed: 05/13/2011  
Date Terminated: 04/27/2012  
Jury Demand: None  
Nature of Suit: 895 Freedom of  
Information Act  
Jurisdiction: U.S. Government Defendant

**Plaintiff**

**JUDICIAL WATCH, INC.**

represented by **James F. Peterson**  
JUDICIAL WATCH, INC.  
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V.

**Defendant**

**U.S. DEPARTMENT OF DEFENSE**

represented by **Elizabeth J. Shapiro**  
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**LEAD ATTORNEY**  
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**Defendant**

**CENTRAL INTELLIGENCE  
AGENCY**

represented by **Elizabeth J. Shapiro**  
(See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Marcia Berman**  
(See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

Date Filed	#	Docket Text
05/13/2011	<u>1</u>	COMPLAINT against U.S. DEPARTMENT OF DEFENSE ( Filing fee \$ 350, receipt number 4616038791) filed by JUDICIAL WATCH, INC.. (Attachments: # <u>1</u> Civil Cover Sheet)(jf, ) (Entered: 05/13/2011)
05/13/2011		SUMMONS (3) Issued as to U.S. DEPARTMENT OF DEFENSE, U.S. Attorney and U.S. Attorney General. (jf, ) (Entered: 05/13/2011)
05/13/2011	<u>2</u>	LCvR 7.1 CERTIFICATE OF DISCLOSURE of Corporate Affiliations and Financial Interests NONE by JUDICIAL WATCH, INC. (jf, ) (Entered: 05/13/2011)
05/19/2011	<u>3</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 5/18/2011. Answer due for ALL FEDERAL DEFENDANTS by 6/17/2011. (Attachments: # <u>1</u> Declaration of Cristina Rotaru)(Orfanedes, Paul) (Entered: 05/19/2011)
05/19/2011	<u>4</u>	NOTICE of Appearance by Paul J. Orfanedes on behalf of JUDICIAL WATCH, INC. (Orfanedes, Paul) (Entered: 05/19/2011)
05/19/2011	<u>5</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. U.S. DEPARTMENT OF DEFENSE served on 5/17/2011, RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General 5/17/2011. (See Docket Entry <u>3</u> to view document). (znmw, ) (Entered: 05/20/2011)
06/08/2011	<u>6</u>	AMENDED COMPLAINT against U.S. DEPARTMENT OF DEFENSE, CENTRAL INTELLIGENCE AGENCY filed by JUDICIAL WATCH, INC..(td, ) (Entered: 06/09/2011)
06/09/2011		Summons (1) Issued for Amended Complaint as to CENTRAL INTELLIGENCE AGENCY. (td, ) Modified on 6/9/2011 (td, ). (Entered: 06/09/2011)
06/15/2011	<u>7</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 6/14/2011. Answer due for ALL FEDERAL DEFENDANTS by 7/14/2011. (Attachments: # <u>1</u> Declaration of Cristina Rotaru)(Bekesha, Michael) (Entered: 06/15/2011)
06/15/2011	<u>8</u>	NOTICE of Service of Amended Complaint on Defendant U.S. Department of Defense by JUDICIAL WATCH, INC. re <u>6</u> Amended Complaint (Attachments: # <u>1</u> Declaration of Cristina Rotaru)(Bekesha, Michael) (Entered: 06/15/2011)

06/28/2011	<u>2</u>	<i>Defendants'</i> ANSWER to <u>6</u> Amended Complaint by CENTRAL INTELLIGENCE AGENCY, U.S. DEPARTMENT OF DEFENSE. Related document: <u>6</u> Amended Complaint filed by JUDICIAL WATCH, INC..(Berman, Marcia) (Entered: 06/28/2011)
06/28/2011	<u>10</u>	NOTICE of Appearance by Marcia Berman on behalf of CENTRAL INTELLIGENCE AGENCY, U.S. DEPARTMENT OF DEFENSE (Berman, Marcia) (Entered: 06/28/2011)
06/29/2011		NOTICE OF ERROR re <u>10</u> Notice of Appearance; emailed to marcia.berman@usdoj.gov, cc'd 5 associated attorneys — The PDF file you docketed contained errors: 1. Elizabeth Shapiro must electronically file her own appearance (td, ) (Entered: 06/29/2011)
06/30/2011	<u>11</u>	ORDER directing parties to consult and file a joint proposed briefing schedule on or before July 29, 2011. Signed by Judge James E. Boasberg on 6/30/2011. (lcjeb3) (Entered: 06/30/2011)
06/30/2011		Set/Reset Deadlines: Parties shall consult and file a joint proposed briefing schedule on or before 7/29/2011. (ad) (Entered: 06/30/2011)
06/30/2011	<u>12</u>	NOTICE of Appearance by Elizabeth J. Shapiro on behalf of All Defendants (Shapiro, Elizabeth) (Entered: 06/30/2011)
07/27/2011	<u>13</u>	NOTICE of Joint Proposed Briefing Schedule by CENTRAL INTELLIGENCE AGENCY, U.S. DEPARTMENT OF DEFENSE re <u>11</u> Order (Attachments: # <u>1</u> Text of Proposed Order)(Berman, Marcia) (Entered: 07/27/2011)
07/29/2011		SCHEDULING ORDER: The following briefing schedule shall govern the proceedings: Defendants' Motion for Summary Judgment shall be due on or before September 26, 2011; Plaintiff's Opposition/Cross-Motion for Summary Judgment shall be due on or before October 24, 2011; Defendants' Opposition/Reply brief shall be due on or before November 18, 2011; Plaintiff's Reply brief shall be due on or before December 5, 2011. Signed by Judge James E. Boasberg on 7/29/2011. (lcjeb3) (Entered: 07/29/2011)
07/29/2011		Set/Reset Deadlines: Defendants' Motion for Summary Judgment shall be due on or before 9/26/2011; Plaintiff's Opposition/Cross-Motion for Summary Judgment shall be due on or before 10/24/2011; Defendants' Opposition/Reply brief shall be due on or before 11/18/2011; Plaintiff's Reply brief shall be due on or before 12/05/2011. (ad) (Entered: 07/29/2011)
09/26/2011	<u>14</u>	MOTION for Summary Judgment , <i>Memorandum of Law, and Statement of Material Facts</i> by CENTRAL INTELLIGENCE AGENCY, U.S. DEPARTMENT OF DEFENSE (Attachments: # <u>1</u> Text of Proposed Order, # <u>2</u> Declaration of John Bennett, # <u>3</u> Declaration of William T. Kammer, # <u>4</u> Declaration of William H. McRaven, redacted, # <u>5</u> Declaration of Robert B. Neller)(Berman, Marcia) (Entered: 09/26/2011)
09/26/2011	<u>15</u>	NOTICE of Lodging of In Camera, Ex Parte Classified Declaration of William H. McRaven by CENTRAL INTELLIGENCE AGENCY, U.S. DEPARTMENT OF DEFENSE re <u>14</u> MOTION for Summary Judgment , <i>Memorandum of Law, and Statement of Material Facts</i> (Berman, Marcia) (Entered: 09/26/2011)
10/20/2011	<u>16</u>	Unopposed MOTION for Extension of Time to File Response/Reply as to <u>14</u> MOTION for Summary Judgment , <i>Memorandum of Law, and Statement of Material Facts and to File Cross-Motion for Summary Judgment</i> by JUDICIAL WATCH, INC. (Attachments: # <u>1</u> Text of Proposed Order)(Bekesha, Michael) (Entered: 10/20/2011)
10/20/2011		MINUTE ORDER granting <u>16</u> Unopposed Motion for Extension of Time to File Response/Reply. The Court ORDERS that 1) Plaintiff's Opposition and Cross-Motion shall now be due November 18, 2011, 2) Defendant's Opposition and Reply shall now be due January 11, 2012, and 3) Plaintiff's Reply shall now be due January 25, 2012. Signed by Judge James E. Boasberg on 10/20/2011. (lcjeb2) (Entered: 10/20/2011)

10/20/2011		Set/Reset Deadlines: 1) Plaintiff's Opposition and Cross-Motion shall now be due 11/18/2011; 2) Defendant's Opposition and Reply shall now be due 1/11/2012; and 3) Plaintiff's Reply shall now be due 1/25/2012. (ad) (Entered: 10/20/2011)
11/04/2011	<u>17</u>	MOTION for Vaughn Index <i>and Stay of Briefing Schedule</i> by JUDICIAL WATCH, INC. (Attachments: # <u>1</u> Text of Proposed Order)(Bekesha, Michael). Added MOTION to Stay on 11/7/2011 (td, ). (Entered: 11/04/2011)
11/18/2011	<u>18</u>	Memorandum in opposition to re <u>17</u> MOTION for Vaughn Index <i>and Stay of Briefing Schedule</i> MOTION to Stay filed by CENTRAL INTELLIGENCE AGENCY, U.S. DEPARTMENT OF DEFENSE. (Shapiro, Elizabeth) (Entered: 11/18/2011)
11/28/2011	<u>19</u>	REPLY to opposition to motion re <u>17</u> MOTION for Vaughn Index <i>and Stay of Briefing Schedule</i> MOTION to Stay filed by JUDICIAL WATCH, INC.. (Orfanedes, Paul) (Entered: 11/28/2011)
11/30/2011	<u>20</u>	ORDER denying <u>17</u> Motion for Vaughn Index and Stay. To take into account the time spent on the instant Motion, the Court further ORDERS that Plaintiff's Opposition/Cross-Motion for Summary Judgment shall now be due by December 14, 2011; Defendants' Opposition and Reply shall now be due by January 25, 2012; and Plaintiff's Reply shall now be due by February 8, 2012. Signed by Judge James E. Boasberg on 11/30/2011. (lcjeb2, ) (Entered: 11/30/2011)
12/01/2011		Set/Reset Deadlines: Plaintiff's Opposition/Cross-Motion for Summary Judgment shall now be due by 12/14/2011; Defendants' Opposition and Reply shall now be due by 1/25/2012; Plaintiff's Reply shall now be due by 2/08/2012. (ad) (Entered: 12/01/2011)
12/14/2011	<u>21</u>	Memorandum in opposition to re <u>14</u> MOTION for Summary Judgment , <i>Memorandum of Law, and Statement of Material Facts and Response to Defendants' Statement of Material Facts</i> filed by JUDICIAL WATCH, INC.. (Attachments: # <u>1</u> Declaration of Michael Bekesha – Part 1 (Includes Exhibits A–J), # <u>2</u> Declaration of Michael Bekesha – Part 2 (Includes Exhibits K–S), # <u>3</u> Text of Proposed Order)(Bekesha, Michael) (Entered: 12/14/2011)
12/14/2011	<u>22</u>	Cross MOTION for Summary Judgment <i>with Memorandum of Law and Statement of Material Facts</i> by JUDICIAL WATCH, INC. (Attachments: # <u>1</u> Declaration of Michael Bekesha – Part 1 (Includes Exhibits A–J), # <u>2</u> Declaration of Michael Bekesha – Part 2 (Includes Exhibits K–S), # <u>3</u> Text of Proposed Order)(Bekesha, Michael) (Entered: 12/14/2011)
01/25/2012	<u>23</u>	Memorandum in opposition to re <u>22</u> Cross MOTION for Summary Judgment <i>with Memorandum of Law and Statement of Material Facts and Defendants' Response to Plaintiff's Statement of Material Facts</i> filed by CENTRAL INTELLIGENCE AGENCY, U.S. DEPARTMENT OF DEFENSE. (Attachments: # <u>1</u> Declaration of Elizabeth Culver)(Berman, Marcia) (Entered: 01/25/2012)
01/25/2012	<u>24</u>	REPLY to opposition to motion re <u>14</u> Cross MOTION for Summary Judgment <i>with Memorandum of Law and Statement of Material Facts and Defendants' Response to Plaintiff's Statement of Material Facts</i> filed by CENTRAL INTELLIGENCE AGENCY, U.S. DEPARTMENT OF DEFENSE. (Attachments: # <u>1</u> Declaration of Elizabeth Culver)(Berman, Marcia) Modified to add correct linkage on 1/26/2012 (td, ). (Entered: 01/25/2012)
02/08/2012	<u>25</u>	REPLY to opposition to motion re <u>22</u> Cross MOTION for Summary Judgment <i>with Memorandum of Law and Statement of Material Facts</i> filed by JUDICIAL WATCH, INC.. (Orfanedes, Paul) (Entered: 02/08/2012)
04/26/2012	<u>26</u>	ORDER granting <u>14</u> Defendants' Motion for Summary Judgment and denying <u>22</u> Plaintiff's Motion for Summary Judgment. Signed by Judge James E. Boasberg on 4/26/2012. (lcjeb2) (Entered: 04/26/2012)
04/26/2012	<u>27</u>	MEMORANDUM OPINION to <u>26</u> Order. Signed by Judge James E. Boasberg on 4/26/2012. (lcjeb2) (Entered: 04/26/2012)
04/26/2012	<u>28</u>	NOTICE OF APPEAL as to <u>26</u> Order on Motion for Summary Judgment, by JUDICIAL WATCH, INC.. Filing fee \$ 455, receipt number 0090–2911698. Fee

		Status: Fee Paid. Parties have been notified. (Bekesha, Michael) (Entered: 04/26/2012)
04/26/2012	<u>29</u>	Amended NOTICE OF APPEAL re appeal <u>28</u> by JUDICIAL WATCH, INC.. (Bekesha, Michael) (Entered: 04/26/2012)
04/27/2012	<u>30</u>	Transmission of the Notice of Appeal, Order Appealed, and Docket Sheet to US Court of Appeals. The Court of Appeals fee was paid this date 4/26/12 re <u>28</u> Notice of Appeal, <u>29</u> Amended Notice of Appeal. (td, ) (Entered: 04/27/2012)